

IN The UNITED STATES  
DISTRICT COURT FOR The Middle  
DISTRICT OF PENNSYLVANIA

EMANUEL T. NEWMAN,  
PLAINTIFF,

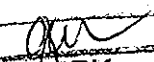
CIVIL No. 01-CV-0677

-Vs-

RONALD L. JURY, Sis, Lt,  
et al.,  
Defendants,

(Rambo, J.)

FILED  
SCRANTON  
APR 03 2002

PER   
DEPUTY CLERK

MOTION FOR ENLARGEMENT  
OF TIME

COMES NOW, EMANUEL T. NEWMAN, PRO-SE  
(HEREINAFTER PLAINTIFF), AND MOVES THIS COURT PURSUANT  
TO THE FEDERAL RULES OF CIVIL PROCEDURE (HEREINAFTER  
F.R.CIV.P.), AND LOCAL RULES OF PROCEDURE FOR AN  
ENLARGEMENT OF TIME TO: (a) SUBMIT THE REQUESTED  
DISCOVERY TO THE DEFENDANTS, (b) RECEIVE DOCUMENTS  
FROM THE DEFENDANTS CONCERNING PLAINTIFF'S SECOND REQUEST  
FOR PRODUCTION OF DOCUMENTS, AND (c) TO SUBMIT  
HIS REQUEST FOR SUMMARY JUDGMENT, AND REPLY  
TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT  
SHOULD THEY SUBMIT ONE.

IN SUPPORT THEREOF, PLAINTIFF STATES THE FOLLOWING:

1.) ON MARCH 5, 2002, PLAINTIFF, WITHOUT PRIOR NOTICE WAS TOLD TO PACK, BECAUSE HE WAS BEING TRANSFERRED. PLAINTIFF RUSHED, AND TYPED A MOTION TO THE COURT REQUESTING A "STAY OF PROCEEDINGS," IN WHICH HE EXPRESSED HIS FEAR OF MISSING THE DEADLINES SET BY THE COURT DUE TO HIS IN TRANSIT STATUS.

2.) THE COURT SET MARCH 8, 2002 AS THE DEADLINE TO HAVE ALL DISCOVERY COMPLETED BY THE PARTIES TO THIS LITIGATION. PLAINTIFF, WHO'S INSTITUTION PAY WAS POSTED ON MARCH 5, 2002 WAS UNABLE TO GO TO COMMISSARY TO BUY COPY CREDITS, TO COPY THE DOCUMENTS REQUESTED BY THE DEFENDANTS, BECAUSE HE WAS TRANSFERRED.

3.) PLAINTIFF, MADE A SECOND REQUEST FOR THE PRODUCTION OF DOCUMENTS FROM THE DEFENDANTS FOR VITAL LOG BOOK RECORDS THAT FURTHER SUPPORT HIS CLAIM. PLAINTIFF HAD UNTIL MARCH 8, 2002 TO RECEIVE THE REQUESTED DOCUMENTS.

He did NOT RECEIVE THEM PRIOR TO HIS MARCH 5, 2002 TRANSFER, AND ALL MAIL RECEIVED BY THE INSTITUTION AFTER HIS TRANSFER IS RETURNED TO THE SENDER.

4) PLAINTIFF IS UNABLE TO EVALUATE ALL REQUESTED DISCOVERY AND PREPARE HIS MOTION FOR SUMMARY JUDGMENT, BECAUSE OF HIS "IN TRANSIT STATUS."

He does NOT HAVE ANY OF HIS LEGAL PAPERS, AND HAS NO WAY OF GETTING THEM UNTIL HE RETURNS TO F.C.I. POKIN AND IS ISSUED HIS PROPERTY. THEREFORE, HE IS NOT ABLE TO MEET THE DEADLINE SET BY THE COURT TO HAVE HIS MOTION FOR SUMMARY JUDGMENT FILED.

5.) ON MARCH 14, 2002, PLAINTIFF'S DEPOSITION WAS HELD. ONCE SAID DEPOSITION WAS COMPLETED, UNITED STATES ATTORNEY MARK E. MORRISON TOLD PLAINTIFF THAT HE HAD THE RIGHT TO REVIEW THE TRANSCRIPT FOR ERRORS PRIOR TO IT BEING CERTIFIED.

BECAUSE OF THE SHORT AMOUNT OF TIME REMAINING BEFORE THE DEADLINE ENDS, AND PLAINTIFF'S CURRENT IN TRANSIT STATUS, HE WILL NOT RECEIVE THE TRANSCRIPT TO CORRECT THE ERRORS AS IS HIS RIGHT UNDER THE F.R.CIV.P. AND LOCAL RULES OF PROCEDURE.

6.) As of today, April 1st, 2002, PLAINTIFF'S STATUS IS STILL "IN TRANSIT", AND EVEN IF HE WERE TO ARRIVE AT HIS INSTITUTION OF CUSTODY THIS WEEK, HE WOULD NOT BE ABLE TO OBTAIN HIS LEGAL PAPERS, BECAUSE IT OFTEN TAKES FROM 7 TO 14 ADDITIONAL DAYS TO RECEIVE PROPERTY ONCE AN INMATE ARRIVES AT THE INSTITUTION.

THEREFORE, BECAUSE THE CIRCUMSTANCES RELATED TO PLAINTIFF'S "IN TRANSIT" STATUS ARE BEYOND HIS CONTROL, AND HE IS UNABLE TO MEET ANY OF THE REMAINING DEADLINES.

PLAINTIFF, MOVES THIS COURT FOR AN ENLARGEMENT OF TIME OF 60 DAYS SO THAT HE MAY: (a) SUBMIT DISCOVERY TO DEFENDANTS, (b) RECEIVE DISCOVERY FROM THE DEFENDANTS, AND (c) EVALUATE ALL EVIDENCE, PREPARE A MOTION FOR SUMMARY JUDGMENT, AND REPLY TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT SHOULD THEY SUBMIT ONE

Respectfully, Emmanuel T. Newman

EMMANUEL T. NEWMAN  
13418-039

P.O. Box 5000 (MO-1)  
PEKIN, IL 61555-5000

4/1/02

CERTIFICATE OF SERVICE

I, EMANUEL THOMAS NEWMAN, PURSUANT TO TITLE 28 U.S.C. § 1746, DO HEREBY STATE UPON MY OATH, THAT I HAVE SERVICED A COPY OF PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME ON ALL PARTIES VIA THE U.S. POSTAL SERVICE AND THE CLERK OF THE U.S. DISTRICT COURT.

THIS 1ST DAY OF APRIL, 2002

By Emanuel Thomas Newman  
EMANUEL THOMAS NEWMAN, PLAINTIFF, PRO-SE.  
13418-039

COPIES TO:

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U.S. DISTRICT COURT  
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